



NATURAL RESOURCES DEFENSE COUNCIL

February 6, 2006

The Honorable Cathy McMorris
The Honorable Tom Udall
House NEPA Task Force
1324 Longworth House Office Building
Washington, DC 20515

Dear Representatives McMorris and Udall:

Of America's landmark environmental laws, only one statute has protected so much of our natural heritage – public lands, national forests and even the sea – for so long. It is the National Environmental Policy Act signed into law by President Nixon in 1970. The law set out an inspiring goal – “to create and maintain conditions under which man and nature can exist in productive harmony.” The goal is as valuable today as it was 35 years ago. NEPA is the mechanism that gives local communities a say in federal government actions that affect them.

The public information and public involvement provided by NEPA are the cornerstones of our democracy. We can do a better job of enhancing public information and public participation. NRDC is working hard to do so. Unfortunately, most of the recommendations in the task force's staff report decrease public information and public involvement, rather than increase them.

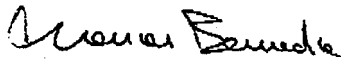
- For example, Recommendation 1.2 sets mandatory deadlines for NEPA analysis. It deems analysis complete even if relevant studies have not been completed and the public has not had a meaningful say. The solution to delay is to provide agencies the resources to complete the job, rather than to conclude the job is unnecessary.

Likewise, Recommendation 5.1 limits alternatives considered to those supported by “feasibility and engineering studies.” Local officials and property owners may have valuable suggestions to guide a federal action – such as a new proposed nuclear waste dump – without having the resources to fund expensive studies. Often, the alternative that has been analyzed the most thoroughly is the one that is chosen. That fact, however, does not excuse agencies from considering other options.

- Moreover, Recommendation 8.2 would restrict an agency's ability to consider future impacts. The proposal would alter existing guidance by limiting analysis of future impacts to "concrete proposed actions," rather than those that are reasonably foreseeable. This would put blinders on agencies by limiting their vision of the future. Even though an action might be likely, this proposal would exclude consideration of its impacts if the action had not been officially proposed yet.

NEPA gives people a voice. The task force should focus on enhancing public input into government decisions, rather than silencing it. The task force should focus on better agency analysis, not simply less analysis. Limiting public information and public involvement will not avoid controversy or improve projects. At a time when increasing demands are being made on our public lands and our shrinking open space, NEPA is needed now more than ever.

Sincerely,

A handwritten signature in dark ink, appearing to read "Frances Beinecke". The signature is fluid and cursive, with the first name "Frances" being more prominent than the last name "Beinecke".

Frances Beinecke
President